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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,560	12/05/2001	Gregory Allen	24120-10	7176

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EXAMINER
D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
2683	

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Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-14* is/are rejected.

7)☒ Claim(s) *7 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *4, 5, 6*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statements (IDS's) submitted on 2-28-02, 6-26-03 and

9-8-03 are in compliance and accordingly, the information disclosure statements are

being considered by the examiner.

Drawings

The drawings were received on 12-5-01. These drawings have been reviewed
by the draftsperson and examiner.

ALL the drawings are objected to because: <u>no reference numbers are used in the
drawings to distinctly identify each component of each drawing (ie. regarding figure 1,
the Keylink, Cardholder and Cardreader Site should each be given a reference number
whereby said reference number is used in the specification when describing the
component)</u>. Corrected drawing sheets are required in reply to the Office action to
avoid abandonment of the application. Any amended replacement drawing sheet
should include all of the figures appearing on the immediate prior version of the sheet,
even if only one figure is being amended. The figure or figure number of an amended
drawing should not be labeled as "amended." If a drawing figure is to be canceled, the
appropriate figure must be removed from the replacement sheet, and where necessary,
the remaining figures must be renumbered and appropriate changes made to the brief
description of the several views of the drawings for consistency. Additional replacement
sheets may be necessary to show the renumbering of the remaining figures. The
replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as
per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the
changes are not accepted by the examiner, the applicant will be notified and informed of
any required corrective action in the next Office action. The objection to the drawings
will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6 and 8-14 rejected under 35 U.S.C. 103(a) as being unpatentable

over Rautila US 6,714,797 in view of Bandera et al. US 6,332,127 (hereafter Rautila

and Bandera).

As per **claim 1**, Rautila teaches a system for supplying information between a visited physical location and a user of a portable device (figure 7, #810-#830), comprising:

A portable device supplied to and adapted to be carried by a human user, the device having a unique ID code (figure 2 shows a portable device, Rautila discloses use of a mobile cell phone (C4, L17-25) which has a unique ID code such as the phone number which can be used to identify the user. The examiner also notes that Rautila discloses purchasing goods which inherently requires the user to be ID'ed and authenticated to prevent stolen goods);

A reader being associated with a physical location to be visited by the user and having a unique reader ID code, the reader including capability to output the device ID code of the portable device when read along with the reader ID code of the reader (Rautila discloses readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods – cell BTS's have unique ID's and have known locations); and

A server (eg. control center) receiving user ID information identifying an identity of the user and associating the user ID information with the device ID code of the portable device supplied to the user, the server/control center supplying information associated with the supplied reader ID code to a user information destination associated with the received device ID code and supplying to the location the identity of the user associated with the supplied device ID code. (C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products).

But is silent on a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND the server/control center receiving reader ID information identifying an identity of the occupant of the location and associating the

received reader ID information with the reader ID code of the reader associated with the physical location, the server/control center adapted to receive the device ID code and the reader ID code output by the reader.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, such that a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND A control center adapted to received the device ID code and the reader ID code output by the reader, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

As per **claim 2**, Rautila in view of Bandera teaches claim 1 wherein the reader is adapted to read the device ID code of the portable device when the device is exterior to the physical location (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8). Hence the RF link will penetrate walls and provide coverage even if the user is exterior to the location.

As per **claim 3**, Rautila in view of Bandera teaches claim 1 wherein the reader is adapted to read the device ID code of the portable device when the physical location is closed (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8. Hence one skilled would provide for the hotspot download site to be available 24x7x365 so as to provide data download capability even if the store is closed or humans aren't present since the data is downloaded from a computer which does not "close").

As per **claim 4,** Rautila in view of Bandera teaches claim 1 wherein the portable device supplied to the user does not directly identify the user (figure 4, #350 teaches "payment arrangements being made" and use of credit card may be via third-party vendor - as is known in the art - who does not identify the user but correlates the user to the unique Order Number #400. Hence, one skilled would protect the identity of the user to provide enhanced security and deter identity theft).

As per **claim 5**, Rautila in view of Bandera teaches claim 1 further comprising a plurality of readers disposed within or near the location, each of the readers being disposed at a respective unit within or associated with the location and having a respective ID code (figure 4 #380-390 shows that Rautila determines the user's location and nearby hotspot reader locations to determine the most convenient download site which reads on the claim. Each hotspot location is uniquely number).

As per **claim 6**, Rautila in view of Bandera teaches claim 1 wherein the server/control center receives from the user a preferred amount of identification information to be supplied to visited locations and the server/control center supplies to the physical location the identity of the user associated with the supplied device ID code in accordance with the preferred amount of identification information to be supplied (Rautila teaches purchasing goods/services for download which requires the user to provide a certain (eg. preferred) amount of identification to the vendor so that said vendor can confirm the user's authenticity, figure 4, #350. Hence the user will then roam to a hotspot location to download the purchased service whereby the user and reader will confirm each other's authenticity and allow (or prevent) the download of purchased service/good).

As per **claim 8**, Rautila teaches a process for supplying information between a visited physical location and a user of a portable device (figure 2, Rautila discloses use of a mobile cell phone (C4, L17-25) comprising:
Providing to a user a portable device having a device ID code stored on or in the portable device (Rautila discloses mobile phones which inherently use a unique ID code such as the phone number which can be used to identify the user. The examiner also notes that Rautila discloses purchasing goods which inherently requires the user to be ID'ed and authenticated to prevent stolen goods),
Associating an identity of the user with the device ID code of the device (Rautila discloses mobile phones which have a unique ID code such as the phone number that can be used to identify the user, readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods),
Disposing a reader within or near a physical location, the reader having an associated reader ID code (Rautila teaches mobile/cellular systems that have BTS's which have unique BTS-ID's),
Visiting by the user of the physical location (Figure 1 shows mobile users can roam throughout the cellular network, C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products).
But is silent on reading by the reader of the device ID code stored on or in the portable device AND supplying to control center the reader ID code and device ID code read by reader and supplying by control center to the locatdion the identity of the user associated with the supplied device ID code.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, reading by the reader of the device ID code stored on or in the portable device AND supplying to control center the reader ID code and device ID code read by reader and supplying by control center to the locatdion the identity of the user associated with the supplied device ID code, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

As per **claim 9**, Rautila in view of Bandera teaches claim 8 further comprising the steps of identifying by the user of an information destination to which is to be supplied to the user, associated the identified information destination with the device ID code of the portable device, (C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products) **but is silent on** identifying the server/control center information associated with the reader ID code and relating to the physical location, and supplying by the server/control center the information associated with the supplied reader ID code to the information destination associated with the supplied device information code.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila in view of Bandera, identifying the server/control center information associated with the reader ID code and relating to the physical location, and supplying by the server/control center the information associated with the supplied reader ID code to the information destination associated with the supplied device information code, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

As per **claim 10,** Rautila in view of Bandera teaches claim 8 wherein the reader is adapted to read the device ID code of the portable device when the device is exterior to the physical location (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8). Hence the RF link will penetrate walls and provide coverage even if the user is exterior to the location.

As per **claim 11,** Rautila in view of Bandera teaches claim 8 wherein the reader is adapted to read the device ID code of the portable device when the physical location is closed (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8. Hence one skilled would provide for the hotspot download site to be available 24x7x365 so as to provide data download capability even if the store is closed or humans aren't present since the data is downloaded from a computer which does not "close").

As per **claim 12,** Rautila in view of Bandera teaches claim 8 wherein the portable device supplied to the user does not directly identify the user (figure 4, #350 teaches "payment arrangements being made" and use of credit card may be via third-party vendor - as is known in the art - who does not identify the user but correlates the user to the unique Order Number #400. Hence, one skilled would protect the identity of the user to provide enhanced security and deter identity theft).

As per **claim 13,** Rautila in view of Bandera teaches claim 8 further comprising a plurality of readers disposed within or near the location, each of the readers being disposed at a respective unit within or associated with the location and having a respective ID code (figure 4 #380-390 shows that Rautila determines the user's location and nearby hotspot reader locations to determine the most convenient download site which reads on the claim. Each hotspot location is uniquely number).

As per **claim 14,** Rautila in view of Bandera teaches claim 8 wherein the server/control center receives from the user a preferred amount of identification information to be supplied to visited locations and the server/control center supplies to the physical location the identity of the user associated with the supplied device ID code in accordance with the preferred amount of identification information to be supplied (Rautila teaches purchasing goods/services for download which requires the user to provide a certain (eg. preferred) amount of identification to the vendor so that said vendor can confirm the user's authenticity, figure 4, #350. Hence the user will then roam to a hotspot location to download the purchased service whereby the user and reader will confirm each other's authenticity and allow (or prevent) the download of purchased service/good).

Allowable Subject Matter

Claims 7 and 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims recite only "...identifying by the user during the visiting step one of the plurality of amounts of ID information..." which is a subset of using all the data provided and hence is novel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Yabuki US 5,796,351
2. Hendrey et al. US 6,647,269
3. Hollenberg US 6,091,956
4. Calvert US 6,526,275

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta